(Supplement to the Fairfield County Commissioner’s Personnel Policy Manual)

Jon A. Slater, Jr.
Fairfield County Auditor

Effective: January 1, 2019
TIMEKEEPING

Employees are responsible for recording their hours worked utilizing the County’s established timekeeping system. For overtime-eligible employees, the timekeeping system will capture start and end times for each shift worked, in compliance with the Fair Labor Standards Act.

When any employee does not work any of their scheduled hour(s), the employee must request compensated absence leave and be approved via the Employee Self-Service (ESS) module to replace those unworked hours. Compensated absence leave includes Sick Leave, Bereavement (for death of a spouse), Vacation, Personal, Birthday, Personal Wellness, Compensatory or Administrative Leave w/ Pay.

Upon approval by the County Auditor, employees with insufficient compensated absence leave to cover hours not worked will receive Leave Without Pay for those unworked hours. Accruals for Sick Leave and Vacation will not be earned for any Leave Without Pay hours.

 Supervisors **MUST** have all timekeeping records and ESS compensated absence requests approved and submitted to Central Payroll by 12:00 noon on the Monday following payday Friday. In the event of the Monday (and any subsequent days) following pay day Friday being holidays, timekeeping records and ESS requests are due to Central Payroll by 12:00 noon on the first workday following the holiday(s).

COMPENSATED ABSENCES

SICK LEAVE

*Earning & Accrual:*
ALL employees, including regular full-time employees, seasonal, part-time and intermittent employees are eligible to earn and accumulate Sick Leave. Sick Leave is earned and accrues at the rate of four and six-tenths (4.6) hours for eighty (80) hours of paid service. For part-time employees, Sick Leave is earned in direct proportion to the number of hours an employee is paid in each biweekly pay period, including those hours paid as an approved compensated absence, i.e. Sick, Vacation, Personal, etc. Sick Leave is earned for any time an employee is obligated to serve on a jury. Sick Leave is not earned by an employee who is on an unpaid leave of absence or in an inactive pay status. The maximum amount of Sick Leave an employee can earn for any given pay period is 4.6 hours, even if the employee works and is paid for more than eighty (80) hours. However, there is no limit to the amount of sick leave an employee may accumulate and carry forward.

Employees with prior eligible public service, who still have an accumulated Sick Leave balance on the books of their prior eligible public employer, may transfer that balance to Fairfield County, provided the employee has been separated from their prior eligible public employer for no more than ten (10) years. Employees with such a balance must provide satisfactory proof of the existing Sick Leave balance within ninety (90) days after their hire date. An employee who transfers from one public agency to another shall be credited with up to the maximum Sick Leave accumulation permitted by the public agency to which the employee transfers.

*Usage / Approval / Notification:*
An employee unable to report to work due to illness or injury shall take reasonable measures to notify either their supervisor, Chief Deputy/Chief of Staff or the County Auditor. Supervisors have discretion to define those “reasonable measures.” Sick Leave should be used in whole-hour increments. However, in certain circumstances, it is permissible for supervisors to approve partial-hour requests. Approval for partial-hour usage
is at the discretion of the supervisor. Employees may only use Sick Leave for days/hours they are normally scheduled to work. Sick Leave usage shall not exceed the normal scheduled work day, up to a maximum of eighty (80) hours per pay period. Whenever possible, Sick Leave should be requested and approved through Employee Self-Service prior to usage. Sick Leave for planned doctor appointments, surgeries, dental visits, etc., should be approved at least two days ahead of the scheduled absence unless the absence is an emergency. Only absences for actual illness or injury will be approved after the fact. Absences exceeding three (3) consecutive working days will require a doctor’s excuse. Consecutive working days shall mean any combination of successive work days even if separated by weekend days, i.e. Thu – Fri – Mon – Tue.

Generally, Sick Leave may be used by an employee for the following reasons:

- The employee's illness, injury or pregnancy-related condition
- An immediate family member’s illness, injury or pregnancy-related condition
- Exposure of the employee to a contagious disease which could be communicated to other individuals
- Examination of the employee or an immediate family member including medical, psychological, dental or optical examination
- Death of an employee’s immediate family member

For purposes of Sick Leave usage, “immediate family member” shall be as defined in Ohio Administrative Code, Chapter 123:1-47-01 (39)

"Immediate family" - Means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis). In addition to those family members included in OAC 123:1-47-01 (39), immediate family may also include aunts, uncles, cousins, or any other familial relationships deemed as appropriate and reasonable by the employee’s supervisor.

In the event of the death of a member of the employee's immediate family (except spouse or significant other), usage of Sick Leave shall be limited to reasonably necessary time off, not to exceed three (3) days. Upon approval from the employee’s supervisor, an employee may take additional day(s) off as another type of compensated absence, i.e. vacation, personal, compensatory, etc.

**Pay-off of Eligible Sick Leave Balance:**

If an employee resigns from employment and has at least five (5) years of eligible public service, the employee may elect to receive a payout of their eligible sick leave balance. Employees who retire will automatically be paid out. For eligible employees requesting a payout, the employee will be paid for one-quarter (25%) of their accumulated Sick Leave balance, not to exceed a maximum of thirty (30) working days. For employees working eight (8) hours per day, two-hundred forty (240) hours is the maximum amount of Sick Leave eligible for payout, which would require an accumulated balance of nine-hundred sixty (960) hours. The Sick Leave payout will be made at the employee's rate of pay at the time of their resignation/retirement.

**Disability Income Insurance:**

Disability insurance is currently offered as optional, supplemental coverage. If an employee desires disability income insurance, the employee must elect to carry the coverage; employees are not automatically covered. Disability insurance provides income protection coverage, BUT it will not provide 100% of an employee’s base pay. Accumulated Sick Leave would permit an employee to bridge that gap if unable to work for a long period of time due to illness or injury.
BEREAVEMENT LEAVE (for death of a spouse)

In the case of the death of an employee’s spouse or significant other, the Auditor’s Office will follow the Commissioners Personnel Policy. Generally, in the event of the death of a spouse or significant other, the Commissioners’ policy grants an additional four (4) days of Bereavement Leave which is not charged as Sick Leave and may be used in addition to Sick Leave taken for the death of an employee’s immediate family member.

VACATION LEAVE

The Auditor’s Office will adopt and follow the Fairfield County Commissioner’s vacation accrual schedule and payout policy made effective on January 1, 2019.

Should any Auditor’s Office employee be otherwise disaffected by the adoption of the 2019 Commissioner’s vacation accrual policy, the Auditor retains the right to make an adjustment to an employee’s vacation leave balance to compensate the employee for hours s/he might have been entitled under the Auditor’s previous vacation accrual schedule.

For purposes of vacation accrual, there shall be in the Auditor's Office the position of Deputy Auditor - Board of Revision (BOR) Administrator. The BOR Administrator shall work thirty (30) hours per week or sixty (60) hours per pay period. Notwithstanding any other provision in this manual or the Fairfield County Personnel Policy Manual, this standard of service for this position is accepted as full-time by the Auditor's Office pursuant to R.C. 325.19(K)(1). In accordance with ORC 325.19(A)(3), this position shall accrue vacation leave at the rate of 3/4 of the hours otherwise specified in this manual depending upon eligible years of public service.

PERSONAL LEAVE

Usage / Approval / Notification:
All full-time employees (excluding seasonal, part-time and intermittent) of the Fairfield County Auditor's office will receive the equivalent of three (3) working days of personal leave per year. Full-time employee working forty (40) hours per week will receive twenty-four (24) personal hours. Full-time employees working less than forty (40) hours per week will receive a commensurate number of hours. For example, if an employee is considered full-time and works 35 hours/week (7 hours/day), they would receive twenty-one (21) hours calculated as three (3) days at 7 hours/day. Persons eligible for Personal Leave hired during the calendar year will be awarded a reasonably calculated, pro-rata number of hours. These hours are in addition to the Vacation and Sick Leave hours an employee might earn. Personal hours must be used by the last day of the calendar year or they are forfeited. Personal hours are requested and approved using the Employee Self-Service system.

Current County employees who are selected to fill an open position within the Auditor’s Office and who have an existing Personal Leave balance awarded in accordance with the Commissioner’s Personnel Policy shall have their entire remaining Personal Leave balance transferred to the Auditor’s Office.

Resignation / Retirement
Personal leave may not be used to extend either an employee’s date of resignation or retirement.
BIRTHDAY

All employees (excluding seasonal, part-time and intermittent) of the Fairfield County Auditor's Office will be awarded their Birthday as a compensated absence. No deduction from Vacation or Sick Leave is required. Birthdays are to be requested and approved using the Employee Self-Service system. Birthdays shall be taken as whole days during the pay period in which the birthday falls. Supervisors may approve taking the Birthday at another time if taking the Birthday during the pay period in which it falls would cause a hardship to office operations. An employee hired mid-year will be awarded their Birthday at the discretion and approval of the County Auditor.

PERSONAL WELLNESS LEAVE

The Auditor’s Office participates in the Commissioner’s Personal Wellness conversion program. Employees who meet the qualifying criteria as illustrated in the Commissioner’s policy will have the opportunity to convert Sick Leave hours to Personal Wellness. Please pay attention to the Use-It-Or-Lose-It restrictions.

COMPENSATORY TIME / OVERTIME

Earning & Accrual:
Employees eligible for overtime in accordance with FLSA rules shall be awarded compensatory time for overtime hours worked. Overtime is defined as “hours worked over forty (40) per work week.” However, the Auditor/Supervisor must give the authorization for working any overtime in the timekeeping system. The County’s work week is Saturday through the following Friday.

Compensatory Time will be awarded at one and one-half times the hours worked above forty (40) actual hours worked during the work week, commonly referred to as “time & a half.” Compensatory Time eligible for “time & a half” will only apply to the actual hours worked in excess of forty (40) per work week. Hours paid as a compensated absence (Vacation, Sick, Personal, etc.) during a given work week are not considered actual hours worked. If you are required to work additional hours during a week in which you have taken a compensated absence and your actual hours worked do not exceed forty (40), Compensatory Time will be awarded at one times the hours worked, or straight time. When calculating Compensatory Time, days established by resolution as Holidays will be considered actual hours worked.

Usage / Approval / Notification:
Compensatory Time shall be requested and approved using the Employee Self-Service system like any other compensated absence. Approval for usage is at the discretion of the employee’s supervisor.

Pay-off of Compensatory Time Balances:
Compensatory time will be paid out in the calendar year in which it was earned. Any unused compensatory time still on the books and/or any overtime worked as of the last day of the last pay period to be paid in the current calendar year will be paid out to the employee at their current hourly rate on the last payroll of that calendar year. Upon separation, employees with compensatory time on the books will be paid out at their current hourly rate.
FAMILY & MEDICAL LEAVE

Family and Medical Leave (FMLA) will be granted in accordance with federal regulations and policies documented in the Commissioner’s Personnel Policy Manual. Requests for Family and Medical Leave must be processed through the County’s FMLA administrator, CareSource. Contact information for CareSource may be obtained from the County’s Human Resource Department. Required responses from the Auditor’s Office shall be submitted in compliance with U.S. Department of Labor regulations and County policies. Employees who are approved for and take FMLA will be required to simultaneously use all allowable leave balances.

JURY DUTY

Employees called and required to report for jury duty shall be compensated at their usual hourly rate. Any payment rendered by the Court to the employee for such duty shall be surrendered to the Auditor’s Office. Time spent serving on a jury will be requested through Employee Self-Service as Administrative Leave w/ Pay and will not be deducted from vacation, sick or any other type of compensated absence. Mileage to & from Jury Duty which exceeds your normal commute will be reimbursed as a normal business expense.

UNPAID ADMINISTRATIVE LEAVE

Unpaid administrative leave may only be taken after the complete use of compensatory time and/or sick leave. Unpaid administrative leave shall be approved at the Auditor’s discretion.

HOLIDAYS

Full-time employees of the Fairfield County Auditor’s Office are entitled to be paid for Holidays as set forth annually via resolution by the County Commissioners. Generally, these include:

- New Year’s Day
- Martin Luther King Day
- President’s Day
- Good Friday (typically 1/2 day)
- Memorial Day
- Independence Day
- Labor Day
- Fair Day (Fri of Fair Week)
- Veteran’s Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve (typically 1/2 day)
- Christmas Day

If a holiday falls on Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a Sunday, the holiday will be observed on the following Monday.

When the Commissioners and/or the Auditor close the office early, i.e. Good Friday or Christmas Eve, supervisors may, so all employees work the same number of hours, standardize work schedules provided this action does not adversely affect office operations. The decision to standardize work schedules is at the discretion of the supervisor. Any additional days (whole or partial) established as a Holiday will be paid as such. For purposes of calculating Compensatory/Overtime, Holidays will be considered as “hours worked”
VEHICLE POLICY

No county vehicle is to be used for personal reasons, other than de minimis personal use, such as a stop for lunch between two business destinations.

The County Auditor and all County Auditor Deputies who are authorized to use a County vehicle will complete all necessary schedules for insurance purposes, as outlined by the County Commissioners' Office. For the County Auditor's Office, completed copies of these forms are kept in the personnel files in the payroll department.

TRAVEL AND EXPENSE REIMBURSEMENT

EXPENDITURES IN CONNECTION WITH BUSINESS MEETINGS & TRAINING

Government entities may not make expenditures of public monies unless they are for a valid public purpose; two main criteria demonstrate whether expenditures are for a valid public purpose:

1. The expenditure is required for the general good of all inhabitants
2. The primary objective of the expenditure is to further a public purpose, even if an incidental private end is advanced

The general good obtained from the expenditure is efficient operations and attendance of employees at the business meetings or trainings, and while an incidental private end is advanced with simple food purchases, the primary objective is to further a public purpose.

Ohio Attorney General indicated in Opinion 2003-029 that a board or appropriate office or department head has the discretion, subject to R.C. 325.20, to set the specific terms of the policy, including the amount of expenses that may be incurred and the nature of the items that may be reimbursed.

The Auditor’s General Fund, REA and GIS funds are approved for food or refreshments in connection with business meetings or trainings. The payment of such expenditures shall be supported by an agenda and/or summary of the business meeting or training and shall be processed within the normal, customary process.

Business Travel

To improve the quality of services to the residents of the County, it is beneficial to occasionally permit employees to attend professional development activities including meetings, seminars, courses, workshops, conferences, etc. Authorization to attend may be obtained for such purposes, provided a written request is submitted to the employee’s supervisor at least one (1) week in advance. Depending upon the nature of the activity, time spent in attendance may be either paid or unpaid.

An employee may be reimbursed for mileage at the established applicable IRS per-mile rate for the use of privately owned automobiles for County business provided sufficient funds are available and a written request is submitted in advance indicating the reasons for the travel. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law. An employee must file an itemized expense report within seven (7) days of returning to work showing the purpose, benefit to the County, and the origin and destination of each trip sufficient detail to account for the mileage claimed. Mileage is payable to only one of two or more employees traveling on the same trip and in the same vehicle. The names of each such
person must be listed on the travel voucher. Charges for parking are reimbursable for any day when an employee is entitled to claim mileage reimbursement.

The usual, customary & reasonable expenses of an employee attending conferences, workshops, meetings, etc., at the request of or with appropriate approval of the County Auditor, are proper administrative expenses. These usual, customary and reasonable expenses include transportation, lodging, meals, registration fees, etc. The reimbursement of related out-of-pocket expenses is an authorized expense; the actual costs of living expenses are reimbursable. Employees are expected to be reasonable and conservative with respect to travel costs.

The following meal allowances shall be followed unless the location where the employee has traveled is in a market where these allowances would make it impractical to reasonably obtain the meal. Approval for meal reimbursements which exceed these stated allowances is at the discretion of the County Auditor.

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<td>Breakfast</td>
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<td>Dinner</td>
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A certificate of attendance (when provided) must be attached to the employee's claim for reimbursement. Other proof of attendance may be required. Receipts for any travel expense exceeding one dollar ($1.00), including parking fees, MUST be attached to the expense report. Personal expenses incurred while traveling are NOT reimbursable. These personal expenses include but are not limited to: personal calls (one phone call home from a business location outside of the county is considered a business expense for a traveling employee), laundry, entertainment and alcoholic beverages.

For meal reimbursements to NOT be treated as taxable income to the employee, the meal expenses MUST be incurred in connection with overnight travel away from home. Meal reimbursements made to an employee for expenses incurred during non-overnight travel will be reported as a taxable fringe benefit.

The Auditor’s Office will follow the US Department of Labor’s rules governing business-related travel.
(See Exhibit F)

**CREDIT / VENDOR CARDS**

Throughout this policy, the term “credit card” shall mean a payment card capable of being used at numerous vendors, i.e. VISA or MasterCard.

Throughout this policy, the term “vendor card” shall mean a payment card capable of being used at specific/limited vendors, i.e. Speedway, Lowes, etc.

**General Rules Applicable to Credit & Vendor Cards:**

To be compliant with County Credit / Vendor card policy, two forms must be completed:

1. Credit Card Key Department Contact Agreement
2. Credit Cardholder User Agreement
Both forms are found as Exhibit A of this policy manual and are also available on the Fairfield County Intranet under Auditor's Office / Payroll forms or by calling the Auditor's Office Finance Department at 740-652-7040.

Appointing authorities MUST designate a Key Department Contact. The Key Department Contact is responsible for reviewing, reconciling, approving, insuring sufficient funding is available, and match supporting documentation to the vendor's billing statement. The Key Department Contact will also be the primary contact person with the vendor and will directly receive the monthly billing statements. The Key Department Contact will work directly with the vendor to resolve erroneous charges, disputed items, and in tracking credits. The purchaser(s) will provide all invoices to the key department contact in sufficient line item detail and notes to determine the business purpose of the transaction. The Key Department Contact will forward the statement and supporting documentation for payment, in the prescribed time frame to pay the vendor without late fees or interest charged. Typically, the Key Department Contact will be the person with an established relationship with the Auditor's Office in paying bills.

The Key Department Contact will notify the Auditor’s Office of all credit cards taken out and in circulation, along with the authorized user(s) of the card. Any cards issued in the name of the department and available for multiple users must be stored in a secure area with limited access.

Misuse of the card will result in revocation and the County will seek restitution for any inappropriate charges. The department employee must accept responsibility for protection and proper usage of the card for work related purposes only. All transactions must be for a proper public purpose.

When establishing vendor accounts, the account must reflect the County’s as tax-exempt status. Also, purchasers must verify that sales tax is not being charged at the actual point of sale. Failure to comply with this requirement may result in non-payment of the invoice or only a partial payment which excludes the sales tax, especially in cases where employees submit out-of-pocket expenses for reimbursement. If an individual cardholder is terminating from the department, the card must be returned to the key department contact. The key department contact will then cancel the account and destroy the card.

**Credit Cards:**

Credit cards are governed by ORC 301.27, require Board of Commissioners approval, are for very specific and limited categories of work-related expenses listed below and do not permit late fees or finance charges as allowable expenses (unless authorized by Board of Commissioners via resolution.) Use of a county credit card for any use other than permitted below is a violation of ORC 2913.21.

- Food expenses
- Transportation expenses
- Gasoline and Oil expenses
- Motor vehicle repair and maintenance expenses
- Telephone expenses
- Lodging expenses
- Internet service provider expenses
- Expenses for children being provided temporary emergency care by the agency
- Webinar expenses
- Automatic or electronic data processing or record-keeping equipment, software or services
Vendor Cards:

An appointing authority may authorize employees to make small purchases with a vendor card for administrative convenience. An appointing authority will establish reasonable dollar limits, by either transaction amount or period of time, with each vendor according to need to minimize the County liability and exposure to misuse. Credit cards are not to be used to circumvent the bidding process.

Cards may be issued in the name of the department with the intention of permitting multiple employees the ability to make permissible purchases in the name of the appointing authority. Safekeeping of the card and usage limited to authorized individual(s) is paramount. Any items ordered must be shipped to a Fairfield County work location. Shipments to home addresses are never permitted. All charges shall be paid in the current billing period to avoid late fees or interest charges.

Under no circumstances shall any cash back or cash withdrawal option be used to obtain cash as part of any transaction. Alcohol, entertainment and personal services expenditures are strictly prohibited.

PUBLIC RECORDS POLICY

See Exhibit D

CELLULAR PHONE USE

The Auditor’s Office will follow the Cellular Phone Use policy included in the Board of Commissioner’s Personnel Policy Manual.

PREREQUISITES FOR CONTINUED EMPLOYMENT

The County Auditor’s Office recognizes the importance of continuing education for its employees and supports the County’s initiative for all employees to complete training in the areas of ethics, cybersecurity and unlawful harassment. However, scheduling of training will be at the discretion of the County Auditor, depending upon its impact on office operations.

Communication to/from Human Resources regarding compliance with this requirement shall be conducted through the County Auditor, Chief Deputy/Chief of Staff and/or department directors. Auditor’s Office employees will direct inquiries from Human Resources regarding their completion of said training to either their department director, Chief Deputy/Chief of Staff or the County Auditor.
**SNOW EMERGENCY POLICY**

*Level 3 Snow Emergency (declared by Fairfield County):*

If a Level 3 Snow Emergency is declared by the Fairfield County Sheriff by 6:00 a.m., Auditor’s Office employees are not required to report to work that day.

*Level 3 Snow Emergency (declared by another county):*

If an employee’s home county (other than Fairfield) declares a Level 3 Snow Emergency, the employee(s) residing in that county are not required to report to work. Similarly, if an Auditor’s Office employee typically commutes to work through a county that declares a Level 3 Snow emergency, the employee is not required to report to work. However, to be paid, employees will be required to show proof that the county in which you reside or typically commute through did declare a Level 3 or higher Snow Emergency. If, at any time during the normal workday, a Level 3 Snow Emergency is canceled by the Fairfield County Sheriff, the Auditor has the discretion to have employees report to work, provided those employees do not reside in or typically commute through another county still under a Level 3 Snow Emergency. Absences due to Level 3 Snow Emergencies will be considered Administrative Leave w/ Pay.

**Level 2 Snow Emergency**

If a Level 2 Snow Emergency is declared, employees are expected to report to work. However, employees have the option of notifying their supervisor that they would prefer to not travel due to unsafe weather conditions. Employees who choose to not come to work during a Level 2 Snow Emergency will be required to use available paid leave, i.e. Vacation, Personal, Compensatory, etc. (except Sick Leave) to be paid for their time off.
CONCLUDING STATEMENT

The compensated absence policies address accrual, usage, approval, and notification. The vehicle, travel and expense reimbursement, credit / vendor cards policies address general rules and authorization. This packet does not address the carryover policies applicable to employees who move from one public entity to another. Information about this type of transfer is found in the Ohio Revised Code. All compensated absence policies are subject to provisions of the Ohio Revised Code and may change at any given time. Employees will be notified of any change in the Fairfield County Auditor’s Office Personnel Policy manual.

This personnel policy replaces all previous versions of the Fairfield County Auditor’s Office Personnel Policy Manual.

Revised: December 21, 2018
Effective: January 1, 2019

By: Jon A. Slater, Jr., Fairfield County Auditor

Other addendums:

Exhibits A – Credit Card Key Department Contact Agreement / Credit Cardholder User Agreement
Exhibit B – Fairfield County Personnel Policy Manual, Section 1:5
Exhibit C – The Ohio Ethics Law
Exhibit D – Auditor’s Office Public Records Policy
Exhibit E – OAC Chapter 123:1-47-01
Exhibit F – DOL Factsheet #22
Credit Card Key Department Contact Agreement

Department Name: ___________________________________________

Key Department Contact: _____________________________________

Key Department Contact Back-up: _______________________________

As the Key Department Contact, I will:

1. Train the Key Department Contact Back-up on all duties and advise of any updates on policies
2. Accept responsibility for notifying the Auditor’s Office in a timely manner of all cards in circulation along with the authorized user(s) of each card
3. Accept responsibility for security of all cards issued in the name of the department and available for multiple users, and store each in a secure, restricted-access area. I will require cards be logged out and returned by each user, and the cards returned with receipts in a timely manner available for the next user
4. Serve as the liaison and primary contact person with the vendor in resolving erroneous charges, disputed items and tracking credits
5. Serve as the primary liaison with the Auditor’s Office Finance Department
6. Inform users that Vendor (company specific) cards are for purchases as permitted by department policy
7. Inform users that credit cards such as Visa, MasterCard, Discover, etc. are only used for the ten eligible categories as specified in ORC 301.27 which are outlined as follows:
   a. Food Expenses
   b. Transportation Expenses
   c. Gasoline and Oil Expenses
   d. Motor vehicle repair and maintenance expenses
   e. Telephone expenses
   f. Lodging expenses
   g. Internet service provider expenses
   h. Expenses for children being provided temporary emergency care by the agency
   i. Webinar expenses
   j. Automatic or electronic data processing or record-keeping equipment, software or services

Use of these credit cards for any use other than permitted above is a violation of ORC 2913.21. Under no circumstances shall any cash back or cash withdrawal options be used to obtain cash as part of any transaction. Alcohol, entertainment and personal services expenditures are strictly prohibited.
8. Insure that all cards do not exceed departmental limits set on usage or amount
9. Reconcile, approve, insure sufficient funding is available, and match supporting documentation to the card billing statement. I will forward the statement and supporting documentation for payment, in the prescribed time frame to pay the vendor without late fees or interest charged
10. Review all transactions to insure they are for a proper work-related purpose before submitting invoice for payment and question any that do not fit the criteria
11. Work with vendors and advise users that County purchases are tax-exempt
12. Insure any individual cardholder terminating from the department returns the card whereupon, I will cancel the account, destroy the card, and notify the Auditor’s Office. I will also remove their name as an authorized user of a department card, if applicable.

__________________________________________________________________________

Key Department Contact Signature and Date

Form # Aud-CR
December 2016
Credit Cardholder User Agreement

Cardholder’s Name (printed)  

Department Name  

As a cardholder I understand:

1. All purchases/transactions must be used only for official County work-related purposes as permitted by department policy. All transactions must be for a proper public purpose.
2. I understand the card is not to be used to secure goods/services from individuals who do not operate as a business.
3. I agree to abide by the transaction limits set forth by my department policy, and understand my usage will be monitored by the Key Department contact who is responsible for issuing cards.
4. I understand that no individual transaction may exceed $1,000, or total card usage of $5,000 per month without special permission for emergency situations.
5. I agree to submit my detailed receipt within two days of the transaction date. The receipt must be from the vendor and include line item detail. To insure proper cost assignment the cardholder shall include the reason for the purchase and the cost center to be billed.
6. I understand taxes should not be paid, and I will be responsible for working with the vendor to rectify taxes charged in error.
7. I understand that credit cards such as Visa, MasterCard, and Discover, etc. are only to be utilized for the ten eligible categories specified in ORC 301.27 which are outlined below:
   a. Food Expenses;
   b. Transportation Expenses;
   c. Gasoline and Oil Expenses;
   d. Motor vehicle repair and maintenance expenses;
   e. Telephone expenses;
   f. Lodging expenses;
   g. Internet service provider expenses;
   h. Expenses for children being provided temporary emergency care by the agency
   i. Webinar expenses
   j. Automatic or electronic data processing or record-keeping equipment, software or services

Use of these credit cards for any use other than permitted above is a violation of ORC 2913.21. Under no circumstances shall any cash back or cash withdrawal options be used to obtain cash as part of any transaction. Alcohol, entertainment and personal services expenditures are strictly prohibited.

8. I will review and reconcile my monthly statement each month in cooperation with the Key Department contact.
9. I understand inappropriate use, violation of internal policies, and the sharing of cards will result in corrective action. Corrective action may include suspension, termination, and criminal charges.

___________________________________________  ________________________
Cardholder’s Signature  Date

Form # Aud-CR2
December 2018
EXHIBIT B

SECTION:
1:5

SUBJECT: COMPUTER, SMARTPHONE, AND INFORMATION SYSTEMS

USAGE General

1. Fairfield County computers, smartphones, and information systems are the property of Fairfield County. They may be used only for explicitly authorized purposes. Fairfield County reserves the right to examine all data stored in or transmitted by their computers, smartphones, and systems. Without notice, Fairfield County Information Technology (FCIT), and authorized Fairfield County supervisors may enter, search, monitor, track, copy, and retrieve any type of electronic file of any employee or contractor. These actions may be taken for business-purpose inquiries including but not limited to theft investigation, unauthorized disclosure of confidential business or proprietary information, excessive personal use of the system, or monitoring work flow and employee productivity.

2. Personnel have no rights to privacy with regard to the Internet and e-mail. Authorized designees (as referenced above) may access any files stored on, accessed via, or deleted from computers and information systems. When necessary, Internet, e-mail, and Instant Messenger (IM) usage patterns may be examined for work-related purposes, including situations where there is a need to investigate possible misconduct and to assure that these resources are devoted to maintaining the highest levels of productivity. FCIT has the authority and ability to monitor Internet sites contacted, e-mail, and instant messaging usage at its own discretion or at the request of management.

3. All software installed on any Fairfield County computer or smartphone must be licensed to Fairfield County. No Fairfield County employee may install, uninstall, or reconfigure any software or hardware owned by the county without prior authorization by FCIT.

Allowable Uses of Computer, Smartphone, and Information Systems for Business Purposes

1. Facilitating job function performance;
2. Facilitating and communicating business information within the county network;
3. Coordinating meeting locations and resources for the county;
4. Communicating with outside organizations as required in the performance of employee job functions.

Prohibited Uses of Computers, Smartphones, and Information Systems, Including but Not Limited to E-mail, Instant Messaging, and the Internet

1. Violating local, state, and/or federal law;
2. Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, or sexually explicit
images, cartoons, or messages;
3. Threatening others;
4. Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related;
5. Using computers, smartphones, or information systems in association with the operation of any for-profit business activities or for personal gain;
6. Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing a computer virus;
7. Accessing an employee’s files without authorization and with no substantial business purpose;
8. Vandalizing the data of another user;
9. Forging electronic mail and instant messenger messages;
10. Sending chain letters;
11. Sending rude or obscene messages (e-mail and instant messenger should not be used to send anything that would embarrass or discredit Fairfield County);
12. Disseminating unauthorized confidential or proprietary Fairfield County or client documents or information or data restricted by government laws or regulations;
13. Browsing or inquiring upon confidential records maintained by Fairfield County without substantial business purpose;
14. Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws;
15. Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale;
16. Transmitting materials (visual, textual, or auditory) containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs;
17. Sending or soliciting sexually-oriented messages or images;
18. Using the Internet or instant messenger for political activity;
19. Using the Internet to sell goods or services not job related or specifically authorized in writing by an approving authority;
20. Downloading and viewing non-work-related streaming audio or video (e.g. listening to radio stations, etc.) due to the limited bandwidth of the system;
21. Intentionally using Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect the privacy or security of another user;
22. Speaking to the media or to the public within any news group or chat room on behalf of Fairfield County if not expressly authorized to represent Fairfield County;
23. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

NOTE: Whether on working time or not, these prohibitions apply at all times to county-owned computers, smartphones, and information systems. Personnel cannot expect that the information they convey, create, file, or store in Fairfield County computers and information systems will be confidential or private regardless of the employee’s intent.
Use of E-mail and Instant Messaging Systems

1. Public Records
   a. Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.
   b. Public E-mail accounts - Records in public email accounts used to conduct public business are subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such e-mails that relate to public business in accordance with this public office’s record retention schedule. Records in public email accounts used while on county computers not used to conduct public business, while strongly prohibited by this office’s policies and procedures are not subject to disclosure.¹
   c. Private E-mail accounts - Records in private email accounts used to conduct public business on public property (i.e. county computers) may be subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such private emails should they relate to public business.² Such emails from private account should be treated as records of this office, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

¹ State ex rel. Wilson- Simmons v. Lake County Sheriff’s Dept. (1998), 82 Ohio St. 3d 37. (Court holds that the requested e-mail consisting of racist slurs, although reprehensible, does not serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the sheriff’s department).
² Case law is undecided as to private email use on county property. Therefore, county employees are cautioned against using private email accounts for public business, particularly when such email is created from county computer usage.

2. Official Use
   a. When using e-mail or instant messaging (IM), as with all written official communications, personnel are expected to display a formal, businesslike demeanor in order to reflect professionalism and credibility upon Fairfield County and themselves.
   b. Everyone is responsible and liable for the content of his or her electronic mail or message. As stated earlier, all electronic data may be accessed at any time by FCIT or management for legal or business purposes.

3. Nonofficial Use
   a. Personnel may access e-mail and instant messaging (IM) systems for nonofficial business provided that such communication does not disrupt or interfere with official Fairfield County business, is kept to a minimum duration and frequency, and is not political in nature. Similar to telephone usage, minimal personal e-mail and instant messaging (IM) may be received or sent provided that no cost is incurred by Fairfield County.
b. Please remember that there is no expectation of privacy for anything sent by e-mail or Instant Messenger (IM), and that others can view this information at any time.

4. Internet Access Guidelines

a. Applicability - This policy provides only guidelines to Fairfield County personnel for Internet access. It does not supersede state or federal laws or any office policies regarding confidentiality, information dissemination, or standards of conduct.

b. General Information - In the effort to enhance client service and facilitate communication among personnel, Fairfield County provides most personnel with Internet access, as determined by each employee’s appointing authority. Personnel Internet access accommodates basic e-mail functions, file transfer, and interactive terminal access to accomplish county business goals. Fairfield County permits personnel to use and explore this technology so that everyone may become as proficient as possible in order to improve work quality and efficiency. All Fairfield County personnel must become familiar with and acknowledge Fairfield County policies relating to the Internet use in order to make the best use of the technology, maintain a professional environment, and protect valuable Fairfield County and client information.

c. Guidelines for Incidental/Occasional Personal Internet Usage - Generally, the Internet is to be used for work-related purposes. Fairfield County will permit personal use of the Internet with reasonable restrictions as to the amount of time devoted to personal usage and sites visited provided such use does not adversely affect business or productivity. Incidental/occasional use is comparable to time authorized for meals and reasonable breaks during the workday and those times only should be used to attend to personal matters. Fairfield County has the right to insist that agency Internet resources are devoted to maintaining the highest degree of productivity. Personal Internet usage is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Please remember incidental/occasional use is considered part of the meal and break time of personnel. Personnel are not permitted to utilize the Internet for personal use equal to meal and break times and also take their scheduled meal and breaks. Such actions will be considered excessive.

d. Filtering by Screening Software - FCIT has the right and may filter and deny users Internet access to sites considered inappropriate. Although not all-inclusive, examples of inappropriate sites that may be filtered are those depicting violence/profanity, partial or full nudity, sexual activity, gross depictions, intolerance, satanic/cult images, militant/extremist images, questionable/illegal, and gambling activities. Please remember that there is no expectation for privacy for an employee's use of the Internet and that others can view this activity at any time. EXCEPTION: Certain employees, such as Sheriff’s detectives, require the ability to access the internet without being filtered. The employee’s appointing authority may instruct FCIT to cease filtering the internet access of any specific user. Such request does not bypass activity monitoring and/or logging.

Securing Computer Equipment, Smartphones, and Electronic Data

1. General

a. Fairfield County employees who are responsible for or are assigned portable computer
equipment, smartphones, and electronic media (i.e., laptops, flash memory devices, external hard drives, DVD’s, CD’s, etc.) shall secure those items when not in the office. These items routinely contain confidential and/or HIPAA information, which could be compromised if lost or stolen.

b. If a Fairfield County employee is responsible for a pool of portable equipment (e.g., equipment that is shared by many employees), the equipment shall be secured while in and out of the office. Sign-in and sign-out sheets shall be utilized to track the location of the equipment at all times. The sign in and out sheet at a minimum should include the employee’s name that is using the equipment and date of checkout and return.

c. When in possession of computer equipment, smartphones, or media overnight, the computer equipment, smartphone, and media is expected to be secured in the employee’s hotel room, residence, etc., in the most secure manner possible. When absolutely necessary, computer equipment, smartphones can be placed in the trunk of a vehicle so long as items are not visible, but the trunk and the vehicle must be locked. Leaving computer equipment on the front or back seat of a vehicle, or in any way visible, is not permitted.

d. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their supervisor and FCIT.

e. Failure to properly secure portable computer equipment, smartphones, and electronic data is subject to disciplinary action.

2. Physical Security

a. Agencies and users shall protect county-owned and county-authorized portable computing devices, removable storage components and removable computer media as well as privately owned or contractor-owned equipment which is connected to the Fairfield County Network from unauthorized access. Physical security measures shall incorporate at a minimum the practices listed below.

i. Portable computing devices, smartphones, computer media and removable components, such as disk drives and network cards, shall be stored in a secure environment. Devices shall not be left unattended without employing adequate safeguards, such as cable locks, restricted access environments or lockable cabinets.

ii. When possible, portable computing devices, smartphones, computer media and removable components shall remain under visual control while traveling. If visual control cannot be maintained, then necessary safeguards shall be employed to protect the physical device, computer media and removable components.

iii. Safeguards shall be taken in public or common areas to avoid unauthorized viewing of sensitive or confidential data.

3. Operation and Maintenance

a. All county, privately-owned or contractor-owned devices that are authorized by FCIT for work use must meet, at minimum, the following guidelines:

i. Anti-Virus protection. All systems connected to any county-operated network must be protected by anti-virus software approved by FCIT.

ii. System configuration. FCIT may require mandatory system configurations or settings for software or operating systems on any devices connected to any county-
operated network, in order to protect the network. Device operating systems shall be maintained with appropriate vendor security patches and updates.

iii. Encryption. County data, applications and other system resources stored on portable computing devices shall be secured in accordance with the agency’s risk assessment as defined in Ohio IT Policy ITP-B.1, “Information Security Framework.” Methods for securing information maintained on portable devices may include as applicable, but not be limited to; personal firewalls, BIOS passwords, Data/application encryption, hard drive encryption, screen locking, screen timeout, security tokens.

iv. Backup. FCIT does not routinely back-up the contents of any portable devices. Data requiring a backup routine must be saved only to FCIT authorized servers.

b. Guidelines for management and maintenance of personal and county data on portable computing devices.

i. County-owned Devices. Personal data may, from time to time, be temporarily stored on county-owned portable computing devices and smartphones, provided said data and data access is in accordance with the county’s Computer and Information Systems Usage Policy.

1. Upon termination of employment, contract, or appointment, or when the employee or contractor assignment no longer requires the county-owned device, the device must be immediately returned to FCIT by the employee, contractor, or appointing authority. When a device is removed from service, the employee, contractor, or appointing authority must immediately return the device to FCIT for sanitization. Any non-county data found on the personal device will be permanently deleted. County data remaining on the device will be appropriately addressed by FCIT.

ii. Privately-owned Devices. When the device is no longer authorized for official county business because of termination of employment, termination of contract, change of assignment, or any other means, FCIT shall take appropriate action to remove or verify the removal of county software and data.

iii. Data Synchronization (Syncing). Fairfield County disclaims legal liability for the loss of non-county data, as well as the confidentiality of data synchronized or transmitted to county-owned or county-operated devices.

4. Lost and Stolen Devices

The loss or theft of any portable computing device or smartphone, regardless of ownership by the county, employee, contractor, or etc., must be immediately reported to FCIT.

5. Privately-Owned and Contractor-Owned Portable Computing Devices

The use of privately-owned or contractor-owned devices (i.e., PDAs, smart phones, and laptops) for official county business must be authorized in advance by FCIT. Any portable computing device that is authorized by FCIT for county business must meet the following requirements:

a. The device owner is responsible for the installation and maintenance of anti-virus protection.

The anti-virus protection used must be approved by FCIT.

b. The device owner is responsible for enabling a personal firewall, when the device is capable, prior to connecting the device to any county-owned or operated network.
c. Disclaim in writing any agency liability for the safeguarding or maintenance of non-state data or portable computing devices used in support of official state business or while acting as an agent of the state. The disclaimer shall include a component stating that users of privately-owned devices used for state work shall not have any expectation of personal privacy regarding the device and that such devices may be confiscated as evidence in civil or criminal proceedings.

6. Education and Awareness

Agencies shall ensure that portable computing device security is addressed in education and awareness programs. All employees, contractors, and other authorized users must agree to this security policy at the beginning of their respective appointments or assignments.

Password Protection

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen, misused, or misappropriated password may result in the compromise of Fairfield County’s entire internal computer network. As such, and as a condition of being granted limited access to a portion of Fairfield County’s computer equipment and network all Fairfield County employees, as well as contractors and vendors with access to Fairfield County systems, are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords. An employee’s breach of the procedures outlined below may subject the employee to appropriate discipline up to, in an appropriate case, termination of employment.

This policy applies to all employees and other personnel (collectively “users” or singularly a “user”) who have access to, use of, or are responsible for an account, or any form of computer or network the use of which supports or requires a password, on any computer, computer system, or network that resides at any Fairfield County facility, has access to the Fairfield County network, or stores any public or non-public Fairfield County information.

1. General Information

a. All user-level computer passwords (e.g., desktop computer, etc.) must be changed at least once every 90 days and this change will be programmatically enforced by Fairfield County. Notwithstanding that policy, in its discretion Fairfield County and its respective departments may impose a policy upon their employees that require passwords to be changed more often than every 90 days. Employees are hereby advised that the timeframe for password expiration is revolving, with each 90-day period commencing at the last time the user changed the password. An employee or other user is always permitted to change passwords more often than the minimum requirement, if he or she so desires.

b. Users or user accounts that have system-level privileges granted through group memberships or programs such as "sudo" must have a unique password from all other accounts held by that user. By way of example, and not limitation, domain administration and local computer administration accounts belong to this category.

c. Passwords must not be inserted into email messages or other forms of electronic
communication, regardless of the recipient of the message.

d All user-level and system-level passwords must conform to the guidelines described below.

2. Guidelines

a General Password Construction Guidelines
i. Passwords are used for various purposes at Fairfield County. Some of the more common uses include user level accounts, web accounts, email accounts, screensaver protection, voicemail password, and local router logins. When creating a password, the user is encouraged to follow these procedures:

1. The password should not be a word found in a dictionary (English or foreign)
2. The password should not be a commonly used word or name
3. The password should contain both upper and lower-case characters (e.g., a-z, A-Z)
4. The password has digits and punctuation characters as well as letters e.g., 0-9, !@#$%^&*()_+\|--\~\`\{}\["]\';:\"<>?,./
5. The password should be at least fifteen (15) alphanumeric characters long

ii. Try to create passwords that can be easily remembered. One way to do this is create a password based on a song title, affirmation, or other phrase. For example, the phrase might be: "This May Be One Way To Remember" and the password could be: "TmB1w2R!" or "Tmb1W>r~" or some other variation. NOTE: Do not use either of these examples as passwords.

b Password Protection Standards
i. Do not use the same password for Fairfield County accounts as for other non-Fairfield County access (e.g., personal ISP account, option trading, benefits, etc.).
ii. Don't reveal a password over the phone or in an e-mail to anyone, for any reason.
iii. Do not share Fairfield County passwords with anyone, including family members, administrative assistants, secretaries, coworkers, or supervisors, even if you will be away from work for a period of time.
iv. Don't reveal a password on questionnaires or security forms.
v. Do not store passwords in a file on ANY computer system (including Palm Pilots or similar devices) without encryption that has been previously approved by FCIT.
vi. Do not write passwords down and store them anywhere in your office.
vii. If someone demands a password, refer them to this document or have them call someone at FCIT.
viii. If an account or password is suspected to have been compromised, report the incident to FCIT and change all passwords.
ix. Password cracking or guessing may be performed on a periodic or random basis by FCIT or its delegate(s). If a password is guessed or cracked during one of these scans, the user will be required to change it.

c Application Authentication Standards - FCIT must review and approve all applications prior to being deployed on any Fairfield County system. FCIT, in its sole discretion, may approve or deny installation of any given application based on its compliance or exception to this policy.

d Restricted-Use and Independent Software Authentication Management - For departmental or division (hereinafter, “office”) -only software that has internal security not managed by a directory service under the authority of FCIT, the highest supervisor, manager, or director of that office has the responsibility to maintain the users, passwords, and internal security of
that application. In such case, that office shall enforce the password rules and policies set forth herein. That office shall perform a quarterly audit of such system(s). The responsible office shall notify FCIT of any existing applications that qualify for governance under this section of the Password Policy.

e. Use of Passwords and Passphrases for Remote Access Users - Access to the Fairfield County Networks via remote access is to be controlled using either a one-time password authentication or a public/private key system with a strong passphrase.

f. Exceptions - Exceptions to this policy include only accounts and passwords upon which a password policy has been mandated by an office of higher authority than FCIT (i.e. Secretary of State, State of Ohio Office of Information Technology, etc.). FCIT shall be notified of any such exceptions.

NOTE - Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination.

Off-Duty Use of Social Media

Fairfield County supports the free exchange of information and camaraderie among employees on the internet off-duty. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about Fairfield County, or engaging in posting inappropriate material about Fairfield County or its officers or employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action, up to and including termination.

While off-duty, employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media off-duty are strictly prohibited:

1. Comments or displays about coworkers or supervisors or Fairfield County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of Fairfield County’s workplace policies against discrimination, harassment or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, military status or other protected class, status, or characteristic. Fairfield County policies with respect to these prohibitions apply to off-duty conduct;

2. Statements or uses of Fairfield County’s logo or trademark which are slanderous or detrimental to Fairfield County, including evidence of the misuse of Fairfield County’s authority, insignia or equipment;

3. Engagement in unprofessional communication. “Unprofessional communication” includes that which, if left unaddressed, could potentially result in a civil or criminal cause of action against Fairfield County. “Unprofessional communication” also includes that which Fairfield County could demonstrate has a substantial risk of negatively affecting Fairfield County’s reputation, mission or operations, such as slander, defamation or other legal cause of action.

4. Disclosure of confidential and/or proprietary information acquired in the course of employment.

Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.
5. Comments or displays which impact employees' abilities to perform their job duties or Fairfield County’s ability to maintain an efficient workplace.

Social media sites may be inspected by Fairfield County to determine potential violations of Fairfield County policy. If an employee believes that an online communication violates any Fairfield County policy, the employee should immediately report the communication to his or her supervisor. Fairfield County may investigate the matter, determine whether such communication violates Fairfield County policies, and take appropriate action. This action may include discipline, up to and including termination.

This policy does not apply to communications protected by the U.S. or Ohio Constitutions. Employees should see their supervisors with any questions or concerns about this policy.
Ohio Ethics Law
and Related Statutes

The Ohio Ethics Commission

Merom Brachman, Chairman
Megan C. Kelley, Vice Chair
Bruce E. Bailey
Julie A. Rutter
Elizabeth E. Tracy
Mark Vander Laan

Paul M. Nick, Executive Director

January 2017
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Section 102.01

As used in this chapter:

(A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated. "Public agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(D) "Immediate family" means a spouse residing in the person's household and any dependent child.

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, "appropriate ethics commission" means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, candidates for the office of member of the general assembly, and public members appointed to the Ohio constitutional modernization commission under section 103.63 of the Revised Code, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G) "Anything of value" has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide
business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.

(I) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.

(J) "Executive agency decision," "executive agency lobbyist," and "executive agency lobbying activity" have the same meanings as in section 121.60 of the Revised Code.

(K) "Legislation," "legislative agent," "financial transaction," and "actively advocate" have the same meanings as in section 101.70 of the Revised Code.

(L) "Expenditure" has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist.

Section 102.02

(A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; all entrepreneurs in residence assigned by the LeanOhio office in the
(2) The disclosure statement shall include all of the following:

(a) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(b) 

(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b)(ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b)(ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose in the brief description of the nature of services required by division (A)(2)(b)(ii) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the
subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(c) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(2)(c) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(d) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(2)(e) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(2)(c) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(2)(f) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(g) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(h) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;
(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(j) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

(3) A person may file a statement required by this section in person, by mail, or by electronic means.

(4) A person who is required to file a statement under this section shall file that statement according to the following deadlines, as applicable:

(a) Except as otherwise provided in divisions (A)(4)(b), (c), and (d) of this section, the person shall file the statement not later than the fifteenth day of May of each year.

(b) A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.

(c) A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office.

(d) A person who is appointed or employed after the fifteenth day of May, other than a person described in division (A)(4)(c) of this section, shall file an annual statement within ninety days after appointment or employment.

(5) No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

(7) A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement not less than thirty days before the applicable filing deadline unless the public official or employee is appointed after
that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)  

(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of sixty dollars.

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

<table>
<thead>
<tr>
<th>Office</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For state office, except member of the state board of education</td>
<td>$95</td>
</tr>
<tr>
<td>For office of member of general assembly</td>
<td>$40</td>
</tr>
<tr>
<td>For county office</td>
<td>$60</td>
</tr>
<tr>
<td>For city office</td>
<td>$35</td>
</tr>
<tr>
<td>For office of member of the state board of education</td>
<td>$35</td>
</tr>
<tr>
<td>For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board</td>
<td>$30</td>
</tr>
<tr>
<td>For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center</td>
<td>$30</td>
</tr>
</tbody>
</table>

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.
(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)

(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure statement filing fees under divisions (E) and (F) of this section into the joint legislative ethics committee investigative fund.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

Section 102.021

(A)

(1) For the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code shall file, on or before the deadlines specified in division (D) of this section, with the joint legislative ethics committee a statement that shall include the information described in divisions (A)(2), (3), (4), and (5) of this section, as applicable. The statement shall be filed on a form and in the manner specified by the joint legislative ethics committee. This division does not apply to a state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code, who leaves service or public employment, and who takes another position as a state elected officer or staff member who files or is required to file a disclosure statement under that section.

No person shall fail to file, on or before the deadlines specified in division (D) of this section, a statement that is required by this division.

(2) The statement referred to in division (A)(1) of this section shall describe the source of all income received, in the former state elected officer's or staff member's own name or by any other person for the person's use or benefit, and briefly describe the nature of the services for which the income was received if the source of the income was any of the following:

(a) An executive agency lobbyist or a legislative agent;
(b) The employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.
(D) (1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.

If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the person thereafter shall file statements under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing an initial statement under division (D)(1) of this section. The person filing a statement under division (D)(2) of this section that is required to be filed on or before the last calendar day of January, May, and September shall pay a ten dollar filing fee with each such statement not to exceed thirty dollars in any calendar year. The joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.
(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last employer, and the employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twenty-four month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code.

Section 102.022

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code; each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code; and each individual set forth in division (B)(2) of section 187.03 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2)(b), (g), (h), and (i) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

Section 102.03

(A) (1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in
which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(8) Division (A) of this section does not prohibit a nonelected public official or employee of a state agency, as defined in section 1.60 of the Revised Code, from becoming a public official or employee of another state agency. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new state agency on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former state agency. However, no public official or employee of a state agency shall, during public employment or for twelve months thereafter, represent or act in a representative capacity for the official's or employee's new state agency on any audit or investigation pertaining to the official's or employee's new state agency in which the public official or employee personally participated at the official's or employee's former state agency through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(9) Division (A) of this section does not prohibit a nonelected public official or employee of a political subdivision from becoming a public official or employee of a different department, division, agency, office, or unit of the same political subdivision. Division (A) of this section does not prohibit such an official or employee
from representing or acting in a representative capacity for the official's or employee's new department, division, agency, office, or unit on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former department, division, agency, office, or unit of the same political subdivision. As used in this division, "political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(10) No present or former Ohio casino control commission official shall, during public service or for two years thereafter, represent a client, be employed or compensated by a person regulated by the commission, or act in a representative capacity for any person on any matter before or concerning the commission.

No present or former commission employee shall, during public employment or for two years thereafter, represent a client or act in a representative capacity on any matter in which the employee personally participated as a commission employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective
office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)

(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division,
"organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use the public official's or employee's official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(L) No present public official or employee with a casino gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator, management company, holding company, casino facility, or gaming-related vendor. No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee.

As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," "holding company," "management company," "casino facility," and "gaming-related vendor" have the same meanings as in section 3772.01 of the Revised Code.

(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not:

1. Accept anything of value, including but not limited to a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

2. Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;

3. Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.

In addition to the penalty provided in section 102.99 of the Revised Code, whoever violates division (M)(1), (2), or (3) of this section forfeits the individual's office or employment.
Section 102.031

(A) As used in this section:

   (1) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.

   (2) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

   (3) "Employee" does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose nonlegislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or execution of other public trusts.

(B) No member of the general assembly shall vote on any legislation that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

   (1) An employee;

   (2) A business associate;

   (3) A person, other than an employee, who is hired under contract to perform certain services, and that position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent or a person required to file a statement described in division (A)(2) of section 102.021 of the Revised Code:

   (1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

   (2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

   (3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member's official duties.

(D) It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

(E) The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.
Section 102.04

(A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

1. The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

2. Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

(F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.
Section 102.05

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

Section 102.06

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to this chapter concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.
(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, or is a member of the bureau of workers' compensation board of directors, the appropriate ethics commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)

(1)

(a) If, upon the basis of the hearing, the appropriate ethics commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission also shall report its findings to the Ohio retirement study council.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07,
2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The appropriate ethics commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate ethics commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G) 

(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting authority's office and, in the commission's or prosecuting authority's discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code
Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

Section 102.07

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

Section 102.08

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.
The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure.

Section 102.09

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the official or employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

Section 102.99

(A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.
CHAPTER 2921.

Section 2921.01

As used in sections 2921.01 to 2921.45 of the Revised Code:

(A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers. "Public official" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code.

(B) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

"Public servant" does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code.

(C) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) "Official proceeding" means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, "detention" includes time spent at an assigned work site and going to and from the work site.
(F) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(I) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

Section 2921.42

(A) No public official shall knowingly do any of the following:

   (1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest;

   (2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

   (3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

   (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

   (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

   (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

   (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

   (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract
securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

Section 2921.421

(A) As used in this section:

(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

(a) Authorizes the furnishing of services as required under division (B)(1) of this section;
(b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.

(4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.

(C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

Section 2921.43

(A) No public servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a public servant, either of the following:

   (1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

   (2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

   (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

   (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

   (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

   (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.
(F) Divisions (A), (B), and (C) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from accepting voluntary contributions.

FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW, PLEASE CONTACT:

OHIO ETHICS COMMISSION
William Green Building
30 West Spring St., L3
Columbus, Ohio 43215-2256
Phone: (614) 466-7090
Fax: (614) 466-8368
www.ethics.ohio.gov

[Rev. 1/17]
PUBLIC RECORDS POLICY

Access to information concerning the conduct of the people's business is a right of every person in this state. Records of the Fairfield County Auditor, which are not legally exempt from disclosure, are available for inspection and copying in accordance with the Ohio Public Records Act. Requests for records may be made during regular office hours to:

The Honorable Jon A. Slater Jr., Fairfield County Auditor
210 East Main Street, Room 201
Lancaster, OH 43130
740-652-7020 or jon.slater@fairfieldcountyohio.gov
Office hours: Monday - Friday, 8:00 a.m. - 4:00 p.m.

You may view requested public records at all reasonable times during regular business hours. If you wish to view records, we will promptly make them available to you. If you wish to receive copies of records, we will provide them within a reasonable timeframe. "Promptly" and "reasonable" take into account the volume of records requested, the proximity of the records storage location and the necessity for any legal review of the records requested.

Once we receive your request, we will either provide the requested records or acknowledge your request and provide you with:

1) an estimate of when you should expect our response
2) an estimated cost if copies have been requested
3) any items we expect may be exempt from disclosure

We will also notify you if, due to the volume of records requested, the proximity of the records storage location or the complexity of the legal review, our response will take longer than initially estimated.

It is within your rights to NOT:

- Disclose your identity to our office when you request records
- Provide our office with a written request
- Provide a reason why you have requested these records

If any portion of your request for records must be denied because the records are exempt from disclosure under the law, we will inform you which records are not public by clearly marking that portion "redacted" or we will explain which portions of the record(s) have been redacted. In addition, we will provide you with the legal authority upon which we relied. If your request is denied because it is overly broad, ambiguous or does not reasonably identify our records, we will provide you with information about how our records are maintained. If you wish, you may then revise your request.

A fee for copies of public records may be charged which covers the direct costs of duplication incurred by our office. In addition, actual cost of postage or other delivery may be charged. We may require payment of these fees prior to processing your request.

County Auditor Public Records Policy, Updated December 21, 2018

Approved:  
Jon A. Slater, Jr – Fairfield County Auditor
EXHIBIT E

Chapter 123:1-47 Definitions

123:1-47-01 Definition of terms.

(A) For purposes of Chapters 123:1-1 to 123:1-47 of the Administrative Code:

(1) "Abolishment“ – Means the permanent deletion or removal of an encumbered position or positions from the organization or structure of an appointing authority due to a lack of continued need for a position, as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or due to a lack of work.

(2) "Active pay status“ – Means conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, active pay status does not include sick leave or leave used in lieu of sick leave.

(3) "Active work status“ – Means the conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, bereavement leave, compensatory time, holidays, personal leave, and disability leave.

(4) “Adverse effect“ – Means, for the purpose of reclassification; for an employee, a reduction in pay or reduction in duties; and for an agency, an increase in an employee’s pay.

(5) “Agency“ – Means any unit of government, including a board or commission, headed by an officer or group having the power to appoint employees.

(6) “Allocation“ – Means the assigning of a position or job to a classification within a classification plan.

(7) “Appointing authority“ – Means the officer, commission, board or body having the power of appointment to, or removal from, positions in any office, department, commission, board or institution.

(8) “Assistant“ – Means an employee who aids and assists an appointing authority in the discharge and performance of duties which are of a confidential and fiduciary character and which involve the responsibility of the principal, or an employee who holds a fiduciary or administrative relationship to the agency.

(9) “Appointment categories“ – Means the appointment designation of a position such as part-time temporary, full-time temporary, intermittent, part-time seasonal, full-time seasonal, part-time permanent, and full-time permanent.

(10) “Available vacancy“ – Means an existing funded position, not currently filled by an incumbent which the appointing authority desires to fill. The existence of vacant positions on an appointing authority’s table of organization or roster of positions shall not mean that a position is an available vacancy.
(11) “Base rate of compensation” – Means the pay range and step rate paid an employee.

(12) “Base rate of pay” – Means the rate of pay established under schedule B or C of section 124.15 or schedule E-1 or E-2 of section 124.152 of the Revised Code, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 or schedule E-1 or E-2 of section 124.152 of the Revised Code. The base rate of pay for those persons paid by warrant of the director of budget and management, but not paid under schedule B or C of section 124.15 or schedule E-1 or E-2 of section 124.152 of the Revised Code, shall be the employee’s actual rate of pay.

(13) “Break in service” – Means an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, granted pursuant to rule 123:1-34-01 of the Administrative Code, or any separation from service which carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service.

(14) “Certification” – Means the process of providing to an appointing authority the names on an eligible list, jurisdictional layoff list, or an agency layoff list.

(15) “Certification eligible list” – Means a list of individuals available for employment from an eligible list, a jurisdictional layoff list, an agency layoff list.

(16) “Certified appointment” – Means an appointment from an eligible list.

(17) “Certified employee” – Means a classified employee who has been appointed to a position from a certification eligible list or the operation of section 124.26, 124.27, or 124.271 of the Revised Code and Chapter 123:1-10 of the Administrative Code.

(18) “Classification” – Means a group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each, the same pay range assigned, and the same examinations conducted.

(19) “Classification change” – Means a change in an employee’s classification title which results in a promotion, demotion, lateral move to a different classification with the same pay range, or reassignment to another classification.

(20) “Classification plan” – Means a system of classifications which may include pay range assignment for each classification.

(21) “Classification salary base” – Means the minimum hourly rate of the pay range for the classification to which the employee is assigned.

(22) “Completed service” – Means hours actually worked, including overtime, and hours of sick leave, vacation leave, compensatory time, or personal leave used, but does not include time on disability separation, leave of absence without pay, the period an employee is receiving disability leave benefits, or layoff. In the case of an employee who works on a seasonal or academic year basis but is paid on an annual basis, completed service shall not include the period of time during which the employee is paid but is not working.
(23) “Continuous service” – Means the uninterrupted service of an employee with a state agency, a county office, or a state-supported college or university where no break in service occurs. For purposes of state paid life insurance, dental insurance, vision insurance, and disability leave benefits, continuous service means the uninterrupted service in which an employee is paid directly by warrant of the director of budget and management where no break in service occurs.

(24) “County offices” – Means those agencies, boards, commissions, departments, and elected offices of the county which are appointing authorities and are subject to the provisions of Chapter 124. of the Revised Code, and which includes, but is not limited to the following: alcohol, drug addiction and mental health services board; auditor; child support enforcement agency; children services board; clerk of courts; commissioners; common pleas court; coroner; engineer; health department; general health district; hospital; mental health board; mental retardation and developmental disabilities board; prosecutor; recorder; sheriff; treasurer; and veterans’ service commission.

(25) “Days” – Means calendar days unless specified otherwise.

(26) “Demotion” – Means the movement of an employee at the request of the appointing authority or the employee, from one position to a vacant position which is assigned to a different classification and a lower pay range, or lower salary where pay ranges do not exist. For the purposes of this definition, a lower pay range is determined by comparing the step one rates of the relevant pay ranges.

(27) “Deputy” – Means an employee authorized by law to act generally for or in place of his or her principal and holding a fiduciary relationship to such principal, or an employee holding a fiduciary or administrative relationship to the agency.

(28) “Director” – Means the director of administrative services.


(30) “Disability retirement” – Means a separation granted by a state retirement system retaining reinstatement rights per appropriate section of the Revised Code.

(31) “Disability separation” – Means a voluntary or involuntary separation granted by the appointing authority and the director when an employee becomes unable to perform the essential job duties of the employee’s position.

(32) “Displacement” – Means for purpose of layoffs and job abolishments the process by which an employee with more retention points exercises his or her right to take the position of another employee with fewer retention points pursuant to the provisions of Chapter 123:1-41 of the Administrative Code. Displacement occurs the date an employee is notified that another employee has exercised his or her right of displacement and that the employee with fewer retention points is to be displaced.

(33) “Educational institution” – Means an institution that is approved by nationally recognized accrediting agencies.

(34) “Eligible” – Means an applicant for appointment to a classification who has passed an examination, met other requirements for the classification, and who is willing to accept employment.
(35) “Eligible list” – Means a list of names and scores of individuals who have taken an examination for a specific classification.

(36) “Exempt appointment” – Means an appointment to a position which is not subject to examination or civil service tenure. Such a position is included in the classification plan unless specifically excluded.

(37) “Full-time employee” – Means an employee whose regular hours of duty total eighty hours in a pay period in a state agency or county department of human services, or any standard accepted as full time in any other county office.

(38) “Headquarters county” – Means the county which the appointing authority has determined and indicated, on the position description for each position or by other appropriate means, to be the headquarters county. The determination shall be based on the status of the position as the primary location where the employee assigned to the position receives direction, performs the substantial duties of his position or where the employee's work flow is centered.

(39) “Immediate family” – Means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

(40) “Intermittent appointment” – Means an appointment where an employee is required to work less than one thousand hours per fiscal year.

(41) “Inter-transfer” – Means the act of changing an employee from one position to another, from one department to another department with a different over-all appointing authority which may be accompanied by promotion, demotion, or lateral classification change.

(42) “Intra-transfer” – Means the act of changing an employee from one position to another within the same department or over-all appointing authority, requiring a change in headquarters county which may be accompanied by promotion, demotion, or lateral classification change.

(43) “Laid-off employee” – Means an employee terminated by the appointing authority from a position as a result of the application of the "order of layoff." "Laid-off employee" also means an employee not working as a result of layoff or displacement.

(44) “Lack of funds” – Means an appointing authority has a current or projected deficiency of funding required to maintain current, or sustain projected levels of staffing and operation.

(45) “Lack of work” – Means an appointing authority has a current or projected decrease in workload or work requirements which requires or will require a reduction in current or projected staffing levels in its organization or structure.

(46) “Lateral classification change” – Means the movement of an employee, with the employee's consent, from one classification to another classification that is assigned to
the same pay range or to a pay range in which the step one rate is the same as the step one rate as the classification from which the employee moves.

(47) “Leave of absence without pay” – Means temporary separation from active pay status, authorized by the appointing authority, with an employee generally retaining status and seniority rights.

(48) “Level” – Means the term used to designate the degree of relationship which one classification bears to other classifications in a series; e.g., a first-level clerk (clerk 1) holds the lowest rank in the clerk series.

(49) “New position” – Means a budgeted position established and properly allocated which did not previously exist and is not merely the expansion or change in a previously existing position.

(50) “No-pay status” – Means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay, the period an employee is receiving disability leave benefits or workers’ compensation benefits, and the employee has been disability separated.

(51) “Open-competitive examination” – Means an examination open to anyone, whether already employed in the state service or not, who meets qualifications established for a given classification or position.

(52) “Parenthetical subtitle” – Means a group of positions logically falling within a general classification, but distinguished from other positions within that classification by the performance of specific functions or duties requiring specialized skill, knowledge or training.

(53) “Part-time employee” – Means an employee whose regular hours of duty are less than eighty hours in a pay period in a state agency or county department of human services, or less than any accepted full-time standard in any other county office.

(54) “Pay period” – Means, for state agencies, the fourteen-day period of time during which the payroll is accumulated, as determined by the director.

(55) “Pay range” – Means a division of a salary schedule to which classifications of positions are assigned.

(56) “Permanent employee” – Means any person holding a position that requires working a regular schedule of twenty-six consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. It does not include student help, intermittent, temporary, seasonal, external interim, or individuals covered by personal service contracts.

(57) “Personal leave” – Means the leave granted by the provisions of section 124.386 of the Revised Code.

(58) “Position” – Means the group of job duties intended to be performed by an individual employee as assigned by the appointing authority.

(59) "Position audit" – Means the evaluation of the current duties and responsibilities assigned to an encumbered position to determine proper classification.
(60) “Position number” – Means a unique number assigned to each employment position within an agency by the appointing authority used to identify each position.

(61) “Position number change” – Means the movement of an employee from one specific employment position to another within the same agency. A position number change may be accompanied by a promotion, demotion, lateral class change, or intra-transfer.

(62) “Pregnancy-related condition” – Means pregnancy, childbirth, or related medical conditions.

(63) “Probationary period” – Means either the period of time at the beginning of an original appointment or the period of time immediately following a promotion, which constitutes a trial or testing period for the employee, during which the employee may be terminated. For purposes of step increases and vacation usage only, for unclassified employees paid in accordance with schedule E-1 pursuant to section 124.152 of the Revised Code, “probationary period” means the completion of the appropriate period as prescribed in paragraph (A) of rule 123:1-19-02 of the Administrative Code.

(64) “Probationary removal” – Means the termination of an employee’s employment for unsatisfactory performance during the employee’s initial probationary period.

(65) “Promotion” – Means the movement of an employee from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary where pay ranges do not exist. For the purposes of this definition, a higher pay range is determined by comparing the step one rates of the relevant pay ranges.

(66) “Promotional examination” – Means an examination open only to persons already employed in state service, in specified classifications and meeting specific qualifications, given for the purpose of determining eligibility for promotion to a higher class.

(67) “Reassignment” – Means the act of changing the classification assigned to an employee. This may be the result of change in or addition of classifications to the classification plan, or by action of the department of administrative services, in assigning a different classification title as a result of a position audit or classification change.

(68) “Reclassification” – Means the act of changing the classification of an existing position. The employee, if left in the position, shall be reassigned to the new classification.

(69) “Reduction” – Means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range, or any decrease in compensation for an employee. For purposes of layoff, a “reduced employee” is one serving in a classification lower than the one from which the employee was laid off or displaced.

(70) “Reemployment” – Means, for purposes of layoff, an appointment to a new appointing authority from a jurisdictional layoff list with retention of seniority, status, step indicator, and time toward step advancement.

(71) “Reinstatement” – Means the act of returning a person to the same appointing authority within the allowable time, following a period of separation or a leave of absence, retaining seniority and status. For purposes of layoff, “reinstatement” means the act of selecting from the appointing authority’s layoff list individuals to return to
active service with the same appointing authority in the same classification series of layoff.

(72) “Removal” – Means the termination of an employee’s employment for the reasons outlined in section 124.34 of the Revised Code.

(73) “Resignation” – Means a voluntary separation from state service by the employee.

(74) “Retirement” – Means a separation from state service in which the employee receives retirement benefits from a state retirement system.

(75) “Seasonal appointment” – Means an appointment where an employee works a certain regular season or period of each year performing some work or activity limited to that season or period of the year.

(76) “Specification” – Means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification, which may include classification title and number, a statement of job function, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for performance of each duty, and may include worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.

(77) “Status” – Means a type of appointment, such as probationary, certified, permanent, temporary, or unclassified.

(78) “Suspension” – Means a disciplinary action resulting in temporary deprivation of employment without pay as a punitive or disciplinary measure.

(79) “Table of organization” – Means a listing, arranged by structural or functional units, of the number and classification of positions in a department or other agency.

(80) “Temporary appointment” – Means an appointment for a limited period of time, fixed by the appointing authority and approved by the director for a period not to exceed one hundred twenty days, except as allowed in section 124.30 of the Revised Code.

(81) “Total rate of pay” – Means the base rate of compensation plus all pay supplements.

(82) “Unclassified service” – Means all offices and positions which are exempt from all examinations and which provide no tenure under the law are unclassified. Appointment to a position in the unclassified service may be made at the discretion of the appointing authority and the incumbent may be removed, suspended or reduced from the position at the pleasure of the appointing authority.

(83) “Working suspension” – Means a disciplinary action in which an employee is required to report to work and receive compensation, but such period shall be recorded as a suspension.

(B) The director of administrative services may issue directives, memoranda, or internal management rules in accordance with section 111.15 of the Revised Code, setting forth procedures not inconsistent with Chapter 124. of the Revised Code and Chapters 123:1-1
to 123:1-47 of the Administrative Code relating to the conduct of the business of the human resources division.

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Fact Sheet #22: Hours Worked Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning what constitutes compensable time under the FLSA. The Act requires that employees must receive at least the minimum wage and may not be employed for more than 40 hours in a week without receiving at least one and one-half times their regular rates of pay for the overtime hours. The amount employees should receive cannot be determined without knowing the number of hours worked.

Definition of "Employ"

By statutory definition the term "employ" includes "to suffer or permit to work." The workweek ordinarily includes all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place. "Workday", in general, means the period between the time on any particular day when such employee commences his/her "principal activity" and the time on that day at which he/she ceases such principal activity or activities. The workday may therefore be longer than the employee's scheduled shift, hours, tour of duty, or production line time.

Application of Principles

Employees "Suffered or Permitted" to work: Work not requested but suffered or permitted to be performed is work time that must be paid for by the employer. For example, an employee may voluntarily continue to work at the end of the shift to finish an assigned task or to correct errors. The reason is immaterial. The hours are work time and are compensable.

Waiting Time: Whether waiting time is hours worked under the Act depends upon the particular circumstances. Generally, the facts may show that the employee was engaged to wait (which is work time) or the facts may show that the employee was waiting to be engaged (which is not work time). For example, a secretary who reads a book while waiting for dictation or a fireman who plays checkers while waiting for an alarm is working during such periods of inactivity. These employees have been "engaged to wait."

On-Call Time: An employee who is required to remain on call on the employer's premises is working while "on call." An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not working (in most cases) while on call. Additional constraints on the employee's freedom could require this time to be compensated.

Rest and Meal Periods: Rest periods of short duration, usually 20 minutes or less, are common in industry (and promote the efficiency of the employee) and are customarily paid for as working time. These short periods must be counted as hours worked. Unauthorized extensions of authorized work breaks need not be counted as hours worked when the employer has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and any extension of the break will be punished. Bona fide meal periods (typically 30 minutes or more) generally need not be compensated as work time. The employee must be completely relieved from duty for the purpose of eating regular meals. The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating.
Sleeping Time and Certain Other Activities: An employee who is required to be on duty for less than 24 hours is working even though he/she is permitted to sleep or engage in other personal activities when not busy. An employee required to be on duty for 24 hours or more may agree with the employer to exclude from hours worked bona fide regularly scheduled sleeping periods of not more than 8 hours, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep. No reduction is permitted unless at least 5 hours of sleep is taken.

Lectures, Meetings and Training Programs: Attendance at lectures, meetings, training programs and similar activities need not be counted as working time only if four criteria are met, namely: it is outside normal hours, it is voluntary, not job related, and no other work is concurrently performed.

Travel Time: The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

Home to Work Travel: An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

Home to Work on a Special One Day Assignment in Another City: An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.

Travel That is All in a Day's Work: Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

Travel Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee’s workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. As an enforcement policy the Division will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

Typical Problems

Problems arise when employers fail to recognize and count certain hours worked as compensable hours. For example, an employee who remains at his/her desk while eating lunch and regularly answers the telephone and refers callers is working. This time must be counted and paid as compensable hours worked because the employee has not been completely relieved from duty.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243). This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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